



Michigan Indigent Defense Commission

Standard 2
Best Practices Training
December 10, 2021

Melissa Wangler, Northern Michigan Regional Manager
(231) 429-2427
wanglerm@michigan.gov

Barbara Klimaszewski, Mid Michigan Regional Manager
(989) 293-4282
bklimaszewski@michigan.gov

MIDC Standard 2

Initial Interview and Gathering Client Information

Objectives for Today's Training

- ✓ Solidify your knowledge of the initial interview guidelines
- ✓ Learn how to effectively gather client information
- ✓ Understand how to use the information you gather

Purpose of Standard 2



Common Client Misperceptions

- UGH! I'm stuck with a COURT APPOINTED LAWYER!!!
- You aren't actually working for them, but you are instead part of "the system"
- You don't care about them
- You would work harder for them if they were paying you



MIDC Standard 2: Initial Interview

- M.C.L. 780.991(2)(a)
- ABA "Ten Principles"
- *U.S. v. Morris*, 470 F.3d 596 (CA 6, 2006)

MIDC Standard 2: Initial Interview



<http://michiganidc.gov/standards/>

TIMING



- Initial Interview should be conducted as soon as possible after assignment of the case, and subsequent interviews should be conducted as needed.
- Incarcerated clients should be seen within 3 business days of assignment.
- When a client is not in custody, counsel shall promptly deliver an introductory communication so the client may follow-up and schedule a meeting.

SETTING

- Private
- Confidential

“defense lawyers have an important role to play in identifying where confidential interview spaces are necessary and advocating for change. Defense lawyers should not accept a status quo that prevents them from maintaining confidentiality.” MIDC White Paper, p.3



PREPARATION

Counsel shall obtain copies of any relevant documents which are available, including copies of any charging documents, recommendations and reports concerning pretrial release, and discoverable material.

CLIENT STATUS

Participation in Representation

- Evaluate
- Continue to evaluate
- Take action where appropriate

CLIENT STATUS

LANGUAGE DIFFERENCES

Unable to communicate because of language differences?



PERSONAL INFORMATION

THE CASE





NEXT STEPS

State Bar of Michigan Interview Model

PUBLIC BENEFITS



State Bar of Michigan Interview Model

DRIVER'S LICENSE





**USING CLIENT
INFORMATION
IN BOND
ARGUMENTS**

Using the Information You Have Just
Gathered:
COLLATERAL CONSEQUENCES





EMPLOYMENT



EDUCATION

IMMIGRATION

Padilla v Kentucky, 559 U.S. 356 (2010)



IMMIGRATION

Important Questions to Ask Your Client

IMPORTANT!!
Even certain misdemeanor
convictions can result in
automatic deportation for non-
citizen clients.

IMMIGRATION RESOURCE

The information about collateral consequences accessible through this website is solely for educational and informational purposes and does not constitute legal advice.

<https://niccc.nationalreentryresourcecenter.org>

Colateral Consequences Incentives

https://nccrc.nationalreentryresourcecenter.org/consequences

Previous Page Next Page

Matched 659 entries with 789 consequences

| Title | Jurisdiction | Consequences | Keywords | Offense Type | Discretion | Duration |
|---|--------------|---|---|--|----------------------|--|
| MCLS § 436.1403 Terminate beer wholesaler contract (condition of salesperson's contract) | Michigan | Business license & participation | Alcohol permits, licenses & sales | Any felony | Discretionary | Indefinite |
| MCLS § 432.118 Ineligible to serve as officer of bingo houses | Michigan | Employment & volunteering | Gaming, lottery & racing | Other | Mandatory/Automatic | Time-limited |
| MCLS § 431.309 Suspend/create horse racing track license | Michigan | Business license & participation | Gaming, lottery & racing | Other | Discretionary | Indefinite |
| MCR § 120 Suspend/dishbar attorney | Michigan | Occupational & professional license & certification | Lawyers, judges & advocates | Any felony | Varies | Indefinite |
| MCLS § 789.4a Deferred adjudication/discharge for certain domestic violence offenders (relief) | Michigan | General Relief Provision | Deferred adjudication & diversion | N/A (background check, general relief) | N/A - General Relief | N/A (background check, general relief) |
| MCLS § 782.11 Thoughtful trainee status (discharge/demiss, conviction of person between 17 and 20 years old) (relief) | Michigan | General Relief Provision | Dismissal, set-aside, vacatur & offense reduction | N/A (background check, general relief) | N/A - General Relief | N/A (background check, general relief) |

CHILD CUSTODY CASES





HOUSING



HOLISTIC REPRESENTATION

Communication is Ongoing

"other confidential client interviews are expected", MIDC White Paper p.2, "and sufficiently before any subsequent court proceeding", MIDC White Paper p.2, MIDC Standard 2.A



"Effective representation also requires frequent and frank communication between the attorney and the client." MIDC White Paper p.2, Jonathan A. Rapping, You Can't Build on Shaky Ground: Laying the Foundation for Indigent Defense Reform Through Values-Based Recruitment, Training and Mentoring, 3 Harv. L. Pol'y Rev. 161, 165 (2009).



Find out more at michiganidc.gov
